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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,913	01/04/2002	Robert F. Meyerson	24831-007	7703
29956	7590	08/09/2005	EXAMINER	
TIMOTHY P. O'HAGAN 8710 KILKENNY CT FORT MYERS, FL 33912			BHATIA, AJAY M	
			ART UNIT	PAPER NUMBER

2145

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,913

Applicant(s)

MEYERSON ET AL.

Examiner

Ajay M. Bhatia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/10/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/2/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Priority

Applicant has substantially amended the claims it no longer clear to the examiner which claims/limitations claim benefit to priority, should any claims/limitation claim benefit of a date earlier than the current filing date, examiner request that the section from which the claims/limitations be set in with the claim and/or any future amendments, (blah) teaches, this it is no longer clear if the claim should benefit of the earlier filing date of the priority document.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9-10 and 19-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims disclose "Voice Over Internet Protocol" the term does not appear in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999), (blah) teaches, the term "multimedia" in claims 1-3, 5-7, 9-13, 15-17, and 19-20 are used by the claim to mean "video only", while the accepted meaning is "Information in more than one form. It includes the use of text, audio, graphics, animation and full-motion video." The term is indefinite because the definition use in the claim is inconsistent and the specification does not clearly redefine the term to mean either multimedia or single media.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3, 5-7, 9-13, 15-17 and 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims have the limitation "help file" the content or data on a file is not patentable.

Double Patenting

Applicant is advised that should claims 6 and 16 be found allowable, claims 7 and 17 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). (Claims 7 and 17 are duplicates of 5 and 15 and are in the same dependency structure)

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-7, 11-13, 15-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman et al. (U.S. Patent 6,539,499 referred to as Stedman) in view of Macleod Beck et al. (U.S. Patent 6,874,119 referred to as Macleod).

For claim 1, Stedman teaches, a multi-media communication management system for operation with a plurality of subscriber stations, at least one of which has a subscriber interface capabilities differing from subscriber interface capabilities of another subscriber station, the multi-media communication management system comprising:

a network communication circuit for multi-media communication with said plurality of subscriber stations; (see Stedman, Col. 2 lines 26-31)

a session control circuit for:

establishing a communication session with a subscriber station through the network communication circuit, in response to receiving an indication that a subscriber has activated a help function request control on the subscriber station; (see Stedman, Col. 2 line 62 to Col. 3 line 25)

identifying the subscriber interface capabilities of said subscriber station; (see Stedman, Col. 3 line 55 to Col. 4 line 11)

and providing the selected help file to said subscriber station (see Stedman, Col. 2 line 62 to Col. 3 line 25)

selecting from a plurality of help files containing help information content in differing multimedia formats, a help file that comprises the help information content in a multimedia form at compliant with the subscriber interface capabilities of said subscriber station;

selecting from a plurality of help files containing help information content in differing multimedia formats, a help file that comprises the help information content in a multimedia form at compliant with the subscriber interface capabilities of said subscriber station; (see Macleod, Col. 15 line 62 to Col. 16 line 12, Col. 16 lines 25-34, Col. 16 lines 45-57)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Stedman and Macleod both disclose a self-help system

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and it would have been oblivious to integrate the system of Macleod that allows the use to have a file that is compatible with their system in order to with the method of Stedman which probes the system to find the configuration of the system and provided suggested assistance information. (see Stedman, Col. 1 line 58 to Col. 2 line 8, Col. 4 lines 3-11, Col. 6 lines 33-39) and (see Macleod, Col. 16 –25-49)

For claim 2, Stedman-Macleod teaches, the multi-media communication management system of claim 1:

further comprising a database of help content files, the database of help content files, the database comprising, for each of a plurality of subscriber station operating states, at least a first help file and a second help file;

(see Stedman, Col. 3 line 55 to Col. 4 line 11)

the first help file containing help content related to the subscriber station operating state in a first multimedia format complaint with first subscriber interface capabilities; (see Stedman, figure 2, Col. 3 line 55 to Col. 4 line 11) and (see Macleod, Col. 16 lines 47-58)

and the second help file containing the help content related the subscriber station operating state in a second multimedia format compliant with second subscriber interface capabilities; (see Stedman, figure 2, Col. 3 line 55 to Col. 4 line 11) and (see Macleod, Col. 16 lines 47-58)

and the session control circuit:

in a multimedia format that can be output through the subscriber interface of said subscriber station; (see Stedman, figure 2, Col. 3 lines 25-55, Col. 3 line 55 to Col. 4 line 11, Col. 7 lines 4-12) and (see Macleod, Col. 16 lines 47-58)

sends a content message including at least a portion of the selected help file;

to said subscriber station;

and (see Stedman, Col. 2 line 62 to Col. 3 line 25) and (see Macleod, Col. 16 lines 47-58)

sends a control message to said subscriber station instructs said subscriber station to output said at least a portion of the selected help file contained in said content message through the subscriber interface. (see Stedman, Col. 2 line 62 to Col. 3 line 25, Col. 3 line 55 to Col. 4 line 11)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

For claim 3, Stedman-Macleod teaches, the multi-media communication management system of claim 2, wherein:

the first help file comprises:

a video file for output on a subscriber station with a subscriber interface that supports output of full motion video; (see Stedman, Col. 3 lines 25-55) and (see Macleod, Col. 16 lines 47-58)

and a voice file, including voice information related to and synchronized with the video file for output through a speaker of the subscriber station;

the second help file comprises: (see Stedman, Col. 3 lines 25-55, Col. 3 line 55 to Col. 4 line 11) and (see Macleod, figure 8, Col. 16 lines 47-58, Col. 14 lines 24-31, Col. 17 lines 3-10)

at least one graphic display file for output on a subscriber station with a subscriber interface that supports display of graphics; (see Stedman, Col. 3 lines 26-51) and (see Macleod, figure 8, Col. 13 /40-50, Col. 17 lines 3-10)

and a voice file, including voice information related to at least one graphic display file, for output through a speaker of the subscriber station. (see Stedman, figure 8, Col. 3 lines 25-55, Col. 17 lines 3-10)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 3.

For claim 5, Stedman-Macleod teaches, the multi-media communication management system of claim 1, wherein the help function request is a message provided by said subscriber station indicating that a subscriber has activated a help button on the subscriber station. (see Stedman, Col. 2 line 62 to Col. 3 line 25)

For claim 6, Stedman-Macleod teaches, the multi-media communication management system of claim 5, wherein the session control server further:

receives a second help function request from said subscriber station, (blah) teaches, the second help function request occurring while said at least a portion of the help content file contained in said content message is being output through the subscriber interface;

(see Stedman, Col. 2 line 62 to Col. 3 line 25)

sends a control message to said subscriber station, in response to receipt of the second help function request, that instructs said subscriber station to establish a communication session with a help station. (see Stedman, Col. 2 line 62 to Col. 3 line 25) and (see Macleod, figure 8, Col. 16 lines 47-58, Col. 17 lines 3-10)

It has been held obvious to launch more than one copy of the same process. See To duplicate part of multiple effects- St. Regis Paper Co. V. Bemis Co., 193 USPQ 8 (7th Cir. 1977)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 6.

For claim 7, Stedman-Macleod teaches, the multi-media communication management system of claim 6, wherein the second help function request is a message provided by the configurable subscriber station indicating that a subscriber has activate a help button. (see Stedman, Col. 2 line 62 to Col. 3 line 25)

Claims 11-13, 15-17 list all the same elements of claims 1-3, 5-7 but in method form rather than apparatus form, (blah) teaches, therefore, the supporting rationale of the rejection to claims 1-3, 5-7 applies equally as well to claims 11-13, 15-17.

Claims 9-10 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman-Macleod as applied to claims 1-3, 5-7, 11-13, and 15-17 above, and further in view of Uehara (U.S. Patent, 5,917,543).

For claim 9, Stedman-Macleod teaches, a multi-media communication management system for operation with a plurality of subscriber stations, each of which includes a help button and a multimedia subscriber interface, the multi-media communion management system comprising:

- a network communication circuit for multi-media communication with said plurality of subscriber stations:

- a session control circuit for:

- establishing a communication session with a subscriber station through the network communication circuit. In response to receiving a indication that a subscriber has activated the help button; (see Stedman, Col. 2 line 62 to Col. 3 line 25)

- providing help information content to said subscriber station that is related to the operation state of said subscriber station; (see Stedman, Col. 3 line 55 to Col. 4 line 11)

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sending a control message to said subscriber station that instructs said subscriber station to establish a voice over internet protocol communication session with a help station in response to a receipt of a (see Stedman, Col. 3 line 55 to Col. 4 line 11, Col. 6 lines 35-39, Col. 6 lines 33-39) and (see Macleod, figure 8, Col. 7 lines 35-43, Col. 17 lines 3-10)

Stedman-Macleod fails to clearly disclose, second indication of subscriber activation of the help button occurring while the help content is being output through the subscriber interface of the subscriber station.

Uehara teaches, second indication of subscriber activation of the help button occurring while the help content is being output through the subscriber interface of the subscriber station. (See Uehara, Col. 6 lines 40-50)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve the method of Stedman-Macleod with the switch used in Uehara system which allows for a second action with the same button in order to provide the user with increased control of the device as it is well known in the art (See Uehara, Col. 3 lines 25-30)

For claim 10, Stedman-Macleod-Uehara teaches, the multi-media communication management system of claim 9, wherein sending a control message to said subscriber

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station that instructs said subscriber station to establish a Voice Over Internet Protocol communication session with a help station is sent only if the receipt of the second indication of subscriber activation of the help button occurs within a predetermined time window following the first subscriber activation of the help button. (see Stedman, Col. 3 line 55 to Col. 4 line 11, Col. 6 lines 33-39) and (see Macleod, figure 8, Col. 7 lines 35-43, Col. 17 lines 3-10) (See Uehara, Col. 6 lines 40-50)

The same motivation that was utilized in the rejection of claim 9, applies equally as well to claim 10.

Claims 19-20 list all the same elements of claims 9-10, but in method form rather than apparatus form. Therefore, the supporting rationale of the rejection to claims 9-10 applies equally as well to claims 19-20.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-7, 9-13, 15-17 and 19-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has amended the claims to point out the deficiencies of Stedman, the new combination of Stedman-Macleod overcome these deficiencies, therefore make the arguments moot. Please see above for new grounds of rejection addressing these amendments. Since all other arguments are based on the amendments of the independent claim that are also moot and still rejected.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892 (if appropriate).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, (blah) teaches, accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a), (blah) teaches, applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

For claim A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

For claim

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906, (blah) teaches, the examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia M. Wallace can be reached on (571)-272-6159, (blah) teaches, the fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB


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